Virginia Title V Operating Permit

Until such time as this permit is reopened and revised, modified, revoked, terminated or expires, the permittee is authorized to operate in accordance with the terms and conditions contained herein. This permit is issued under the authority of Title 10.1, Chapter 13, §10.1-1322 of the Air Pollution Control Law of Virginia. This permit is issued consistent with the Administrative Process Act, and 9 VAC 5-80-50 through 9 VAC 5-80-300 of the State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution of the Commonwealth of Virginia.

Authorization to operate a Stationary Source of Air Pollution as described in this permit is hereby granted to:

Permittee Name:	Dickenson-Russell Coal Company, LLC
Facility Name:	McClure River Preparation Plant
Facility Location:	Two miles North of McClure on Big Caney Creek, Dickenson County, Virginia
Registration Number:	10804
Permit Number:	SWRO10804

July 12, 2002
Effective Date

November 4, 2002 and April 16, 2003
Amendment Dates

July 12, 2007
Expiration Date

Director, Department of Environmental Quality

April 16, 2003
Signature Date (as amended)

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I. Facility Information

Permittee
Dickenson-Russell Coal Company, LLC
P.O. Box 730
Dante, VA 24237

Responsible Official
Anthony McGartland
President

Facility
McClure River Preparation Plant
Big Caney Creek, Dickenson County, Virginia

Contact person
Matthew Cartier
Project Engineer
(276) 495 - 4258

Plant Identification Number: 51-051-00019

Facility Description: SIC Code: 1221 - Bituminous Coal Underground Mining - Coal Preparation Plant - Coal is cleaned and dried prior to shipment by railcar and truck.

II. Emission Units

Equipment to be operated consists of:

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity	Pollution Control Device Description (PCD)	PCD ID	Pollutant(s) Controlled	Applicable Permit Date
1	---	Mine Raw Belt	1500 TPH	Wet suppression or enclosure	-----	PM/PM-10	-----
2	---	Mid-Vol Breaker	800 TPH	Wet suppression or enclosure	-----	PM/PM-10	-----
2A	---	Rotary Breaker	1500 TPH	Wet suppression or enclosure	-----	PM/PM-10	-----
2B	---	AFB Rock Belt	200 TPH	Wet suppression or enclosure	-----	PM/PM-10	-----
2C	---	AFB Rock Bin	200 TPH	Wet suppression or enclosure	-----	PM/PM-10	-----
2D	---	Mine Rock Bin	200 TPH	Wet suppression or enclosure	-----	PM/PM-10	-----
2E	---	Sample Belt	25 TPH	Wet suppression or enclosure	-----	PM/PM-10	-----
3	---	Mine Raw Transfer Belt	2300 TPH	Wet suppression or enclosure	-----	PM/PM-10	-----
4	---	Shakeout/Truck Dump	1500 TPH	Wet suppression or enclosure	-----	PM/PM-10	-----
5	---	Foreign Belt	1500 TPH	Wet suppression or enclosure	-----	PM/PM-10	-----
6	---	Foreign Breaker Building	1500 TPH	Wet suppression or enclosure	-----	PM/PM-10	-----

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity	Pollution Control Device Description (PCD)	PCD ID	Pollutant(s) Controlled	Applicable Permit Date
6A	---	Foreign Rock Chute	200 TPH	Wet suppression or enclosure	-----	PM/PM-10	-----
6B	---	Foreign Rock Bin	200 TPH	Wet suppression or enclosure	-----	PM/PM-10	-----
7	---	Foreign Raw Belt	1500 TPH	Wet suppression or enclosure	-----	PM/PM-10	-----
8	---	Plant Feed Belt	1400 TPH	Wet suppression or enclosure	-----	PM/PM-10	-----
10	---	Preparation Building	1400 TPH	Wet suppression or enclosure	-----	PM/PM-10	-----
11	---	Silo 1 Feed Belt	400 TPH	Wet suppression or enclosure	-----	PM/PM-10	-----
12	---	Dryer Fed Belt	800 TPH	Wet suppression or enclosure	-----	PM/PM-10	-----
13	13-1	Thermal Dryer - ENI Coal #10	411.3 TPH	Cyclone Wet Scrubber Mist Eliminator	13-1 13-2 13-3	PM,PM-10, SO_2	4/2/84
13A	13-1	Thermal Dryer - Coal	130 MMBtu/hr	Cyclone Wet Scrubber Mist Eliminator	13-1 13-2 13-3	PM,PM-10, SO_2	4/2/84
13B	13-1	Thermal Dryer - Oil/Elect.	12 MMBtu/hr	Cyclone Wet Scrubber Mist Eliminator	13-1 13-2 13-3	PM,PM-10, SO_2	4/2/84
14	---	Refuse Belt 1	800 TPH	Wet suppression or enclosure	-----	PM/PM-10	-----

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity	Pollution Control Device Description (PCD)	PCD ID	Pollutant(s) Controlled	Applicable Permit Date
16	---	Refuse Belt 2	800 TPH	Wet suppression or enclosure	-----	PM/PM-10	-----
16A	---	Refuse Belt 3	800 TPH	Wet suppression or enclosure	-----	PM/PM-10	11/4/99 as amended 2/1/02
16B	---	Refuse Bin	800 TPH	Wet suppression or enclosure	-----	PM/PM-10	-----
17	---	Silo 2 Feed Belt	800 TPH	Wet suppression or enclosure	-----	PM/PM-10	-----
18	---	Silo 1	800 TPH	Wet suppression or enclosure	-----	PM/PM-10	-----
19	---	Silo 2	800 TPH	Wet suppression or enclosure	-----	PM/PM-10	-----
20	---	Foreign Clean Belt In (Chute)	800 TPH	Wet suppression or enclosure	-----	PM/PM-10	-----
22	---	Loadout Belt	1200 TPH	Wet suppression or enclosure	-----	PM/PM-10	-----
23	---	Loadout	1200 TPH	Wet suppression or enclosure	-----	PM/PM-10	-----
24	---	Dryer Bypass Chute	800 TPH	Wet suppression or enclosure	-----	PM/PM-10	-----
25	---	Dump Bin	800 TPH	Wet suppression or enclosure	-----	PM/PM-10	11/4/99 as amended 2/1/02
26	---	48" Conveyor	800 TPH	Wet suppression or enclosure	-----	PM/PM-10	11/4/99 as amended 2/1/02
27	---	Roads	--	Wet suppression	-----	PM/PM-10	-----

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity	Pollution Control Device Description (PCD)	PCD ID	Pollutant(s) Controlled	Applicable Permit Date
28	---	Mine Clean Belt	800 TPH	Wet suppression or enclosure	-----	PM/PM-10	-----
28A	---	Top of Silo Transfer Belt	800 TPH	Wet suppression or enclosure	-----	PM/PM-10	-----
28B	---	Clean Coal Transfer Belt	800 TPH	Wet suppression or enclosure	-----	PM/PM-10	-----
29	---	Midds Collection Belt	400 TPH	Wet suppression or enclosure	-----	PM/PM-10	-----
30	---	Storage Tank - MR-1A	-----	-----	-----	--	--
31	---	Storage Tank – MR-1B	-----	-----	-----	--	--
32	---	Storage Tank - MR-1C	-----	-----	-----	--	--
33	---	Storage Tank - MR-1D	-----	-----	-----	--	--
34	---	Storage Tank - MR-2A	-----	-----	-----	--	--
35	---	Storage Tank - MR-2B	-----	-----	-----	--	--
36	---	Storage Tank - MR-2C	-----	-----	-----	--	--
37	---	Storage Tank - MR-3A	-----	-----	-----	--	--
38	---	Storage Tank - MR-3B	-----	-----	-----	--	--
39	---	Storage Tank - MR-3C	-----	-----	-----	--	--
40	---	Storage Tank - MR-4A	-----	-----	-----	--	--
41	---	Storage Tank - MR-4B	-----	-----	-----	--	--
42	---	Storage Tank - MR-5A	-----	-----	-----	PM/PM-10	-----
43	---	Storage Tank - MR-5B	-----	-----	-----	PM/PM-10	-----
44	---	Storage Tank - MR-5C	-----	-----	-----	PM/PM-10	-----
45	---	Storage Tank - MR-6A	-----	-----	-----	PM/PM-10	-----

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity	Pollution Control Device Description (PCD)	PCD ID	Pollutant(s) Controlled	Applicable Permit Date
46	---	Storage Tank - MR-6B	-----	-----	-----	PM/PM-10	-----
47	---	Waste Water Treatment Plant (WWTP)	-----	-----	-----	PM/PM-10	-----
48	---	Raw Storage Pile	3800 TPH	Wet suppression	-----	PM/PM-10	-----
49	---	Clean Storage Pile	3800 TPH	Wet suppression	-----	PM/PM-10	-----
50	---	Refuse Pile	800 TPH	Wet suppression	-----	PM/PM-10	-----
51	---	Midds Belt	300 TPH	Wet suppression or enclosure	-----	PM/PM-10	11/4/99 as amended 2/1/02
52	---	Midds Bin	300 TPH	Wet suppression or enclosure	-----	PM/PM-10	11/4/99 as amended 2/1/02
53	---	Parts Washer	-----	-----	-----	-----	-----

III. Thermal Dryer Requirements - Unit ID# 13

A. Limitations

1. Hours of operation shall not exceed 240 days per year and 5760 hours per year. Annual hours of operation shall be determined on a consecutive 12-month basis.
(9 VAC 5-80-110 and Specific Condition 4 of April 2, 1984 permit)

2. Emissions from the operation of the thermal dryer shall not exceed the limits specified below:

Particulate Matter	0.031 gr/dscf	18.0 lbs/hr	52.1 tons/yr
Sulfur Dioxide		44.5 lbs/hr	128.1 tons/yr
Nitrogen Dioxide		67.5 lbs/hr	194.4 tons/yr

Annual emissions shall be determined on a consecutive 12-month basis.
(9 VAC 5-80-110, 40 CFR 60.252 and Specific Condition 6 of April 2, 1984 permit)

3. Particulate emissions from the thermal coal dryer shall be controlled by four Research-Cottrell, Inc., Flex-Kleen, Model Quad 82 cyclones, one American Air Filter, Type S Kinpactor (wet scrubber) and a mist eliminator.
(9 VAC 5-80-110 and Specific Condition 7 of April 2, 1984 permit)

4. The approved fuel for the thermal coal dryer shall be coal. A change in the fuel may require a permit to modify and operate.
(9 VAC 5-80-110 and Specific Condition 9 of April 2, 1984 permit)

5. Visible emissions from the thermal dryer shall not exceed 20% opacity.
(9 VAC 5-80-110, 9 VAC 5-50-410 Subpart Y, 40 CFR 60.252, and Specific Condition 12 of April 2, 1984 permit)

6. Action must be taken by the Dickenson-Russell Coal Company, LLC to continuously ensure that the general public is completely and effectively prohibited from those property locations on which the maximum concentrations of sulfur dioxide and particulate matter exceed the allowable PSD increment for those pollutants. Those measures specified in Pittston's letters dated April 11, 1979 and June 15, 1979, along with any other physical constraints (measures) are required, so that the required plant locations are made physically inaccessible to the public. The April 11, 1979, and June 15, 1979, letters from The Pittston Company Coal Group to the U.S. Environmental Protection Agency Region III are hereby incorporated by reference into this permit.
(9 VAC 5-80-110 and Specific Condition 14 of April 2, 1984 permit)

B. Monitoring

1. Cyclones: An annual inspection shall be conducted on each cyclone by the permittee to insure structural integrity.
(9 VAC 5-80-110)

2. Scrubbers: The permittee shall install, calibrate, maintain and continuously operate the following:

   a. A monitoring device for the continuous measurement of the temperature of the gas at the exit of the thermal dryer. The monitoring device is to be certified by the manufacturer to be accurate within ±3º Fahrenheit.

   b. A monitoring device for the continuous measurement of the pressure loss through the venturi constriction of the control equipment. The monitoring device is to be certified by the manufacturer to be accurate within ±1 inch water gage.

   c. A monitoring device for the continuous measurement of the water supply pressure to the control equipment. The monitoring device is to be certified by the manufacturer to be accurate within ±5% of design water supply pressure. The pressure sensor or tap must be located close to the water discharge point.

   The monitoring devices listed in a, b and c are to be recalibrated annually in accordance with procedures under §60.13(b).
   (9 VAC 5-80-110, 9 VAC 5-50-410 Subpart Y, 40 CFR 60.253, and Specific Condition 11 and General Condition 5 of April 2, 1984 permit)

3. The permittee shall visually observe the thermal dryer exhaust at least once each consecutive 14-day period to determine if the unit has any visible emissions (does not include condensed water vapor/steam). If visible emissions are observed during these required observations, then a visible emissions evaluation (VEE) in accordance with 40 CFR 60 Appendix A, Method 9, shall be conducted. The VEE shall be conducted for a minimum of six (6) minutes. If any of the observations exceed twenty percent (20%), the VEE shall be conducted for a total of sixty (60) minutes. A Method 9 evaluation shall not be required if the visible emissions condition is corrected as expeditiously as possible such that no visible emissions exist; the emissions unit is operating at normal conditions; and the cause and corrective measures taken are recorded. The record of each visible emission observation shall be maintained, including any data required by 40 CFR 60 Appendix A, Method 22 or Method 9, whichever is appropriate. The record shall include, at a minimum, the date, time, name of the emission unit, the applicable emissions requirement, the results of the observation and the name of the observer.
   (9 VAC 5-80-110 K)

C. Testing

A performance test shall be conducted within 180 days of issuance of this permit and thereafter, once

every five years, prior to and within six months of submittal of the Title V permit renewal application, for particulate matter, sulfur dioxide, and nitrogen oxides on the thermal dryer to determine compliance with the emission limits specified in Condition III.A.2. The tests shall be conducted while the thermal dryer is in normal operation. Tests shall be conducted and reported and data reduced as set forth in 9 VAC 5-50-30 and the test methods and procedures contained in each applicable section or subpart listed in 9 VAC 5-50-410. The details of the tests are to be arranged with the Director, Southwest Regional Office. The permittee shall submit a test protocol at least thirty (30) days prior to testing. Two (2) copies of the test results shall be submitted to the Director, Southwest Regional Office within 45 days after test completion and shall conform to the test report format enclosed with this permit.
(9 VAC 5-80-110)

IV. Coal Processing and Handling Equipment - Ref ID#'s 25, 26, 51 & 52

A. Limitations

1. The yearly throughput of coal to the truck dump bin (25) and truck dump conveyor belt (26) shall not exceed 2,304,000 tons, calculated monthly as the sum of each consecutive 12-month period. (9 VAC 5-80-110 and Condition 6 of November 4, 1999 permit as amended February 1, 2002 and April 8, 2003)

2. The yearly throughput of coal to the Middlings coal conveyor belt (51) and Middlings coal bin (52) shall not exceed 1,728,000 tons, calculated monthly as the sum of each consecutive 12-month period.
(9 VAC 5-80-110 and Condition 7 of November 4, 1999 permit as amended February 1, 2002 and April 8, 2003)

3. Emissions from the operation of the truck dump bin (25), truck dump conveyor belt (26), Middlings coal conveyor belt (51) and Middlings coal bin (52) shall not exceed the limitations specified below:

	PM		PM-10	
	lbs/hr	tons/yr	lbs/hr	tons/yr
Truck Dump Bin Loading	3.12	8.99	0.17	0.48
Truck Dump Bin Unloading	1.04	1.50	0.17	0.24
Truck Dump Conveyor Discharge	1.04	1.50	0.17	0.24
Middlings Coal Conveyor	0.39	1.12	0.06	0.18
Middlings Coal Bin	0.78	2.25	0.13	0.36
Facility Total	**6.37**	**15.36**	**0.70**	**1.50**

These emissions are derived from the estimated overall emissions contribution. Compliance shall be determined as stated in Conditions IV.A.1, IV.A.2, and V.A.1. Annual emissions shall be determined on a consecutive 12-month basis.
(9 VAC 5-80-110, 9 VAC 5-50-260, and Condition 8 of November 4, 1999 permit as amended February 1, 2002 and April 8, 2003)

V. Facility-Wide Conditions

A. Limitations

1. Particulate emissions from the coal preparation plant shall be controlled using the following methods:

   a. Dust from material handling, crushers, screens, transfers and load-outs, shall be controlled by wet suppression or equivalent (as approved by the DEQ).

   b. All material being stockpiled shall be kept adequately moist to control dust during storage and handling or covered at all times to minimize emissions.

   c. Dust from haul roads and traffic areas shall be controlled by the application of asphalt, water, suitable chemicals, paving of roadways or equivalent methods approved by the DEQ.

   d. Reasonable precautions shall be taken to prevent deposition of dirt on public roads and subsequent dust emissions. Dirt, product, or raw material spilled or tracked onto paved surfaces shall be promptly removed to prevent particulate matter from becoming airborne.

   The coal preparation plant and these control devices shall be provided with adequate access for inspection.
   (9 VAC 5-80-110, 9 VAC 5-50-260, 9 VAC 5-50-90, Condition 5 of November 4, 1999 permit as amended February 1, 2002 and April 8, 2003, and Specific Condition 13 of April 2, 1984 permit)

2. Visible emissions from all coal processing and conveying equipment, coal storage systems, and coal transfer and loading systems shall not exceed 20% opacity.
   (9 VAC 5-80-110, 9 VAC 5-50-260, 40 CFR 60.252, and Condition 9 of November 4, 1999 permit as amended February 1, 2002 and April 8, 2003)

3. Unless otherwise specified in this permit, the permittee shall operate all equipment that is subject to 40 CFR Part 60, Standards of Performance for New Stationary Sources (NSPS) in compliance with NSPS, Subpart Y, Standards of Performance for Coal Preparation Plants.
   (9 VAC 5-80-110, 9 VAC 5-50-410, and Condition 10 of November 4, 1999 permit as amended February 1, 2002 and April 8, 2003)

4. The permittee shall have available written operating procedures for the related air pollution control equipment. Operators shall be trained in the proper operation of all such equipment and shall be familiar with the written operating procedures. These procedures shall be based on the manufacturer's recommendations, at minimum.
   (9 VAC 5-80-110, 9 VAC 5-50-20 E, and Condition 12 of November 4, 1999 permit as amended February 1, 2002 and April 8, 2003)

B. Monitoring

All coal processing, conveying, storage, transfer and loading systems, excluding the thermal dryer, shall be visually observed at least once each calendar week to determine which operating units have visible emissions (does not include condensed water vapor/steam). If visible emissions are observed during these weekly observations, visible emissions evaluations (VEE) in accordance with 40 CFR 60 Appendix A, Method 9, shall be conducted on those units with visible emissions. The VEE shall be conducted for a minimum of six (6) minutes. If any of the observations exceed twenty percent (20%), the VEE shall be conducted for a total of sixty (60) minutes. A Method 9 evaluation shall not be required if the visible emissions condition is corrected as expeditiously as possible such that no visible emissions exist; the emissions unit is operating at normal conditions; and the cause and corrective measures taken are recorded. The record of each visible emission observation shall be maintained, including any data required by 40 CFR 60 Appendix A, Method 22 or Method 9, whichever is appropriate. The record shall include, at a minimum, the date, time, name of the emission unit, the applicable emissions requirement, the results of the observation and the name of the observer.
(9 VAC 5-80-110)

C. Recordkeeping

The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content of and format of such records shall be arranged with the Director, Southwest Regional Office. These records shall include, but are not limited to:

1. The amount of coal consumed by the thermal dryer, calculated monthly as the sum of each consecutive 12-month period.

2. The monthly and annual production of dried coal. The annual production shall be calculated monthly as the sum of each consecutive 12-month period.

3. The monthly and annual hours of operation of the thermal dryer. The annual hours of operation shall be calculated monthly as the sum of each consecutive 12-month period.

4. The amount of coal processed in the truck dump bin (25) and the truck dump conveyor belt (26), calculated monthly as the sum of each consecutive 12-month period.

5. The amount of coal processed in the Middlings coal conveyor belt (51) and the Middlings coal bin (52), calculated monthly as the sum of each consecutive 12-month period.

6. The results of the annual calibration of the thermal dryer measurement devices as specified in Condition III.B.2.

7. The log of annual inspections for each cyclone.

8. The log of visible emissions observations and the results of all VEEs for the thermal dryer and coal processing equipment as required in Condition III.B.3, and Condition V.B, respectively.

9. Records of training provided including names of trainees, date of training, and nature of training.

These records shall be available on site for inspection by the DEQ and shall be current for the most recent five years.
(9 VAC 5-50-50, 9 VAC 5-80-110 and Condition 11 of November 4, 1999 permit as amended February 1, 2002 and April 8, 2003)

D. Testing

1. The permitted facility shall be constructed so as to allow for emissions testing at any time using appropriate methods. Upon request from the Department, test ports will be provided at the appropriate locations.
(9 VAC 5-50-30, 9 VAC 5-80-110, and General Condition 4 of April 2, 1984 permit)

2. When testing is conducted, the permittee shall use the following test methods in accordance with procedures approved by the DEQ as follows:

Pollutant	Test Method (40 CFR Part 60, Appendix A)
PM/PM10	EPA Methods 5, 17
SO_2	EPA Methods 6, 6C
NO_2	EPA Methods 7, 7E
CO	EPA Method 10
Visible Emissions	EPA Method 9

(9 VAC 5-80-110)

VI. Insignificant Emission Units

The following emission units at the facility are identified in the application as insignificant emission units under 9 VAC 5-80-720:

Emission Unit No.	Emission Unit Description	Citation (9 VAC)	Pollutant Emitted (5-80-720 B.)	Rated Capacity (5-80-720 C.)
30-46	Storage Tanks	5-80-720 B 2.	VOC	N/A
47	Wastewater Treatment Plant	5-80-720 B 2.	VOC	N/A
53	Parts Washer	5-80-720 B 2.	VOC	N/A

These emission units are presumed to be in compliance with all requirements of the federal Clean Air Act as may apply. Based on this presumption, no monitoring, recordkeeping, or reporting shall be required for these emission units in accordance with 9 VAC 5-80-110.

VII. Permit Shield & Inapplicable Requirements

Compliance with the provisions of this permit shall be deemed compliance with all applicable requirements in effect as of the permit issuance date as identified in this permit. This permit shield covers only those applicable requirements covered by terms and conditions in this permit and the following requirements which have been specifically identified as being not applicable to this permitted facility:

Citation	Title of Citation	Description of applicability
None identified		

Nothing in this permit shield shall alter the provisions of §303 of the federal Clean Air Act, including the authority of the administrator under that section, the liability of the owner for any violation of applicable requirements prior to or at the time of permit issuance, or the ability to obtain information by the administrator pursuant to §114 of the federal Clean Air Act, (ii) the Board pursuant to §10.1-1314 or §10.1-1315 of the Virginia Air Pollution Control Law or (iii) the Department pursuant to §10.1-1307.3 of the Virginia Air Pollution Control Law.
(9 VAC 5-80-140)

VIII. General Conditions

A. Federal Enforceability

All terms and conditions in this permit are enforceable by the administrator and citizens under the federal Clean Air Act, except those that have been designated as only state-enforceable.
(9 VAC 5-80-110 N)

B. Permit Expiration

This permit has a fixed term of five years. The expiration date shall be the date five years from the date of issuance. Unless a timely and complete renewal application consistent, with 9 VAC 5-80-80, has been submitted, to the Department, by the owner, the right of the facility to operate shall be terminated upon permit expiration.

1. The owner shall submit an application for renewal at least six months but no earlier than eighteen months prior to the date of permit expiration.

2. If an applicant submits a timely and complete application for an initial permit or renewal under this section, the failure of the source to have a permit or the operation of the source without a permit shall not be a violation of Article 1, Part II of 9 VAC 5 Chapter 80, until the Board takes final action on the application under 9 VAC 5-80-150.

3. No source shall operate after the time that it is required to submit a timely and complete application under subsections C and D of 9 VAC 5-80-80 for a renewal permit, except in compliance with a permit issued under Article 1, Part II of 9 VAC 5 Chapter 80.

4. If an applicant submits a timely and complete application under section 9 VAC 5-80-80 for a permit renewal but the Board fails to issue or deny the renewal permit before the end of the term of the previous permit, (i) the previous permit shall not expire until the renewal permit has been issued or denied and (ii) all terms and conditions of the previous permit, including any permit shield granted pursuant to 9 VAC 5-80-140, shall remain in effect from the date the application is determined to be complete until the renewal permit is issued or denied.

5. The protection under subsections F 1 and F 5 (ii) of section 9 VAC 5-80-80 F shall cease to apply if, subsequent to the completeness determination made pursuant section 9 VAC 5-80-80 D, the applicant fails to submit by the deadline specified in writing by the Board any additional information identified as being needed to process the application.

(9 VAC 5-80-80 B, C and F, 9 VAC 5-80-110 D, and 9 VAC 5-80-170 B)

C. Recordkeeping and Reporting

1. All records of monitoring information maintained to demonstrate compliance with the terms and conditions of this permit shall contain, where applicable, the following:

   a. The date, place as defined in the permit, and time of sampling or measurements.

   b. The date(s) analyses were performed.

   c. The company or entity that performed the analyses.

   d. The analytical techniques or methods used.

   e. The results of such analyses.

   f. The operating conditions existing at the time of sampling or measurement.

   (9 VAC 5-80-110 F)

2. Records of all monitoring data and support information shall be retained for at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

   (9 VAC 5-80-110 F)

3. The permittee shall submit the results of monitoring contained in any applicable requirement to DEQ no later than **March 1** and **September 1** of each calendar year. This report must be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

a. The time period included in the report. The time periods to be addressed are January 1 to June 30 and July 1 to December 31.

b. All deviations from permit requirements. For purposes of this permit, a "deviation" means any condition determined by observation, data from any monitoring protocol or any other monitoring which is required by the permit that can be used to determine compliance. Deviations include exceedances documented by continuous emission monitoring or excursions from control performance indicators documented through periodic or compliance assurance monitoring.

(9 VAC 5-80-110 F)

D. Annual Compliance Certification

Exclusive of any reporting required to assure compliance with the terms and conditions of this permit or as part of a schedule of compliance contained in this permit, the permittee shall submit to EPA and DEQ no later than **March 1** each calendar year a certification of compliance with all terms and conditions of this permit including emission limitation standards or work practices. The compliance certification shall comply with such additional requirements that may be specified pursuant to §114(a)(3) and §504(b) of the federal Clean Air Act. This certification shall be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

1. The time period included in the certification. The time period to be addressed is January 1 to December 31.

2. A description of the means for assessing or monitoring the compliance of the source with its emissions limitations, standards, and work practices.

3. The identification of each term or condition of the permit that is the basis of the certification.

4. Consistent with subsection 9 VAC 5-80-110 E, the method or methods used for determining the compliance status of the source at the time of certification and over the certification period.

5. Whether compliance was continuous or intermittent, and if not continuous, documentation of each incident of non-compliance.

6. The status of compliance with the terms and conditions of this permit for the certification period.

7. Such other facts as the permit may require to determine the compliance status of the source.

One copy of the annual compliance certification shall be sent to EPA at the following address:

Clean Air Act Title V Compliance Certification (3AP00)
U.S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

(9 VAC 5-80-110 K 5)

E. Permit Deviation Reporting

The permittee shall notify the Director, Southwest Regional Office, within four daytime business hours of any deviations which may cause excess emissions for more than one hour, including those attributable to upset conditions as may be defined in this permit. In addition, within 14 days of the occurrence, the permittee shall provide a written statement explaining the problem, any corrective actions or preventive measures taken, and the estimated duration of the permit deviation. The occurrence should also be reported in the next semiannual compliance monitoring report pursuant to General Condition VIII.C.3, of this permit.
(9 VAC 5-80-110 F 2)

F. Failure/Malfunction Reporting

In the event that any affected facility or related air pollution control equipment fails or malfunctions in such a manner that may cause excess emissions for more than one hour, the owner shall, as soon as practicable but no later than four daytime business hours, notify the Director, Southwest Regional Office by facsimile transmission, telephone or telegraph of such failure or malfunction and shall within two weeks provide a written statement giving all pertinent facts, including the estimated duration of the breakdown. Owners subject to the requirements of 9 VAC 5-40-50 C and 9 VAC 5-50-50 C are not required to provide the written statement prescribed in this paragraph for facilities subject to the monitoring requirements of 9 VAC 5-40-40 and 9 VAC 5-50-40. When the condition causing the failure or malfunction has been corrected and the equipment is again in operation, the owner shall notify the Director, Southwest Regional Office.
(9 VAC 5-20-180 C)

G. Severability

The terms of this permit are severable. If any condition, requirement or portion of the permit is held invalid or inapplicable under any circumstance, such invalidity or inapplicability shall not affect or impair the remaining conditions, requirements, or portions of the permit.
(9 VAC 5-80-110 G 1)

H. Duty to Comply

The permittee shall comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of the federal Clean Air Act or the Virginia Air Pollution Control Law or both and is grounds for enforcement action; for permit termination, revocation and re-issuance, or modification; or for denial of a permit renewal application.
(9 VAC 5-80-110 G 2)

I. Need to Halt or Reduce Activity not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
(9 VAC 5-80-110 G 3)

J. Permit Action for Cause

1. This permit may be modified, revoked, reopened, and reissued, or terminated for cause as specified in 9 VAC 5-80-110 L, 9 VAC 5-80-240 and 9 VAC 5-80-260. The filing of a request by the permittee for a permit modification, revocation and re-issuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition. (9 VAC 5-80-110 G 4)

2. Such changes that may require a permit modification and/or revisions include, but are not limited to, the following:

   a. Erection, fabrication, installation, addition, or modification of an emissions unit (which is the source, or part of it, which emits or has the potential to emit any regulated air pollutant), or of a source, where there is, or there is the potential of, a resulting emissions increase;

   b. Reconstruction or replacement of any emissions unit or components thereof such that its capital cost exceeds 50% of the cost of a whole new unit;

   c. Any change at a source which causes emission of a pollutant not previously emitted, an increase in emissions, production, throughput, hours of operation, or fuel use greater than those allowed by the permit, or by 9 VAC 5-80-11, unless such an increase is authorized by an emission cap; or any change at a source which causes an increase in emissions resulting from a reduction in control efficiency, unless such an increase is authorized by an emissions cap;

   d. Any reduction of the height of a stack or of a point of emissions, or the addition of any obstruction which hinders the vertical motion of exhaust;

   e. Any change at the source which affects its compliance with conditions in this permit, including conditions relating to monitoring, recordkeeping, and reporting;

   f. Addition of an emissions unit which qualifies as insignificant by emissions rate (9 VAC 5-80-720 B) or by size or production rate (9 VAC 5-80-720 C); and

   g. Any change in insignificant activities, as defined by 9 VAC 5-80-90 D 1 a(1) and by 9 VAC 5-80-720 B and 9 VAC 5-80-720 C.

   (9 VAC 5-80-110 G, 9 VAC 5-80-110 J, 9 VAC 5-80-240 and 9 VAC 5-80-260)

K. Property Rights

The permit does not convey any property rights of any sort, or any exclusive privilege.
(9 VAC 5-80-110 G 5)

L. Duty to Submit Information

1. The permittee shall furnish to the board, within a reasonable time, any information that the board may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the board copies of records required to be kept by the permit and, for information claimed to be confidential, the permittee shall furnish such records to the board along with a claim of confidentiality.
(9 VAC 5-80-110 G 6)

2. Any document (including reports) required in a permit condition to be submitted to the board shall contain a certification by a responsible official that meets the requirements of 9 VAC 5-80-80 G.
(9 VAC 5-80-110 K 1)

M. Duty to Pay Permit Fees

The owner of any source for which a permit under 9 VAC 5-80-50 through 9 VAC 5-80-305 was issued shall pay permit fees consistent with the requirements of 9 VAC 5-80-310 through 9 VAC 5-80-355.
(9 VAC 5-80-110 H)

N. Fugitive Dust Emission Standards

During the operation of a stationary source or any other building, structure, facility or installation, no owner or other person shall cause or permit any materials or property to be handled, transported, stored, used, constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions may include, but are not limited, to the following:

1. Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land;

2. Application of asphalt, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which may create airborne dust; the paving of roadways and the maintaining of them in a clean condition;

3. Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty material. Adequate containment methods shall be employed during sandblasting or other similar operations;

4. Open equipment for conveying or transporting material likely to create objectionable air pollution when airborne shall be covered or treated in an equally effective manner at all times when in motion; and

5. The prompt removal of spilled or tracked dirt or other materials from paved streets and of dried sediments resulting from soil erosion.

(9 VAC 5-50-90)

O. Startup, Shutdown and Malfunction

At all times, including periods of startup, shutdown, soot blowing, and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the board, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

(9 VAC 5-50-20)

P. Alternative Operating Scenarios

Contemporaneously with making a change between reasonably anticipated operating scenarios identified in this permit, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions under each such operating scenario. The terms and conditions of each such alternative scenario shall meet all applicable requirements including the requirements of 9 VAC 5 Chapter 80 Article 1.

(9 VAC 5-80-110 J)

Q. Inspection and Entry Requirements

The permittee shall allow DEQ, upon presentation of credentials and other documents as may be required by law, to perform the following:

1. Enter upon the premises where the source is located or emissions-related activity is conducted, or where records must be kept under the terms and conditions of the permit.

2. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of the permit.

3. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.

4. Sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

(9 VAC 5-80-110 K 2)

R. Reopening For Cause

The permit shall be reopened by the board if additional federal requirements become applicable to a major source with a remaining permit term of three or more years. Such a reopening shall be completed not later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 9 VAC 5-80-80 F.

1. The permit shall be reopened if the board or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.

2. The permit shall be reopened if the administrator or the board determines that the permit must be revised or revoked to assure compliance with the applicable requirements.

3. The permit shall not be reopened by the board if additional applicable state requirements become applicable to a major source prior to the expiration date established under 9 VAC 5-80-110 D.

(9 VAC 5-80-110 L)

S. Permit Availability

Within five days after receipt of the issued permit, the permittee shall maintain the permit on the premises for which the permit has been issued and shall make the permit immediately available to DEQ upon request.
(9 VAC 5-80-150 E)

T. Transfer of Permits

1. No person shall transfer a permit from one location to another, unless authorized under 9 VAC 5-80-130, or from one piece of equipment to another.
   (9 VAC 5-80-160)

2. In the case of a transfer of ownership of a stationary source, the new owner shall comply with any current permit issued to the previous owner. The new owner shall notify the board of the change in ownership within 30 days of the transfer and shall comply with the requirements of 9 VAC 5-80-200.
   (9 VAC 5-80-160)

3. In the case of a name change of a stationary source, the owner shall comply with any current permit issued under the previous source name. The owner shall notify the board of the change in source name within 30 days of the name change and shall comply with the requirements of 9 VAC 5-80-200.
   (9 VAC 5-80-160)

U. Malfunction as an Affirmative Defense

1. A malfunction constitutes an affirmative defense to an action brought for noncompliance with technology-based emission limitations if the requirements of paragraph 2 of this condition are met.

2. The affirmative defense of malfunction shall be demonstrated by the permittee through properly signed, contemporaneous operating logs, or other relevant evidence that show the following:

   a. A malfunction occurred and the permittee can identify the cause or causes of the malfunction.

   b. The permitted facility was at the time being properly operated.

   c. During the period of the malfunction the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit.

   d. The permittee notified the board of the malfunction within two working days following the time when the emission limitations were exceeded due to the malfunction. This notification shall include a description of the malfunction, any steps taken to mitigate emissions, and corrective actions taken. The notification may be delivered either orally or in writing. The notification may be delivered by electronic mail, facsimile transmission, telephone, or any other method that allows the permittee to comply with the deadline. This notification fulfills the requirements of 9 VAC 5-80-110 F 2 b, to report promptly deviations from permit requirements. This notification does not release the permittee from the malfunction reporting requirement under 9 VAC 5-20-180 C.

3. In any enforcement proceeding, the permittee seeking to establish the occurrence of a malfunction shall have the burden of proof. The provisions of this section are in addition to any malfunction, emergency or upset provision contained in any requirement applicable to the source.

4. The provisions of this section are in addition to any malfunction, emergency or upset provision contained in any applicable requirement.

(9 VAC 5-80-250)

V. Permit Revocation or Termination for Cause

A permit may be revoked or terminated prior to its expiration date if the owner knowingly makes material misstatements in the permit application or any amendments thereto or if the permittee violates, fails, neglects or refuses to comply with the terms or conditions of the permit, any applicable requirements, or the applicable provisions of 9 VAC 5 Chapter 80 Article 1. The board may suspend, under such conditions and for such period of time as the board may prescribe, any permit for any of the grounds for revocation or termination or for any other violations of these regulations.

(9 VAC 5-80-260)

W. Duty to Supplement or Correct

Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrections. An applicant shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application was filed but prior to release of a draft permit.
(9 VAC 5-80-80 E)

X. Stratospheric Ozone Protection

If the permittee handles or emits one or more Class I or II substances subject to a standard promulgated under or established by Title VI (Stratospheric Ozone Protection) of the federal Clean Air Act, the permittee shall comply with all applicable sections of 40 CFR Part 82, Subparts A to F.
(40 CFR Part 82, Subparts A - F)

Y. Accidental Release Prevention

If the permittee has more, or will have more than a threshold quantity of a regulated substance in a process, as determined under 40 CFR 68.115, the permittee shall comply with the requirements of 40 CFR Part 68.
(40 CFR Part 68)

Z. Changes to Permits for Emissions

No permit revision shall be required, under any federally approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in this permit.
(9 VAC 5-80-110 I)

AA. Emissions Trading

Where the trading of emissions increases and decreases within the permitted facility is to occur within the context of this permit and to the extent that the regulations provide for trading such increases and decreases without a case-by-case approval of each emissions trade:

1. All terms and conditions required under 9 VAC 5-80-110 except subsection N shall be included to determine compliance.

2. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions that allow such increases and decreases in emissions.

3. The owner shall meet all applicable requirements including the requirements of 9 VAC 5-80-50 through 9 VAC 5-80-300.

(9 VAC 5-80-110 I)

Source Testing Report Format

Cover
1. Plant name and location
2. Units tested at source (indicate Ref. No. used by source in permit or registration)
3. Tester; name, address and report date

Certification
1. Signed by team leader / certified observer (include certification date)
* 2. Signed by reviewer

Introduction
1. Test purpose
2. Test location, type of process
3. Test dates
* 4. Pollutants tested
5. Test methods used
6. Observers' names (industry and agency)
7. Any other important background information

Summary of Results
1. Pollutant emission results / visible emissions summary
2. Input during test vs. rated capacity
3. Allowable emissions
* 4. Description of collected samples, to include audits when applicable
5. Discussion of errors, both real and apparent

Source Operation
1. Description of process and control devices
2. Process and control equipment flow diagram
3. Process and control equipment data

* Sampling and Analysis Procedures
1. Sampling port location and dimensioned cross section
2. Sampling point description
3. Sampling train description
4. Brief description of sampling procedures with discussion of deviations from standard methods
5. Brief description of analytical procedures with discussion of deviation from standard methods

Appendix
* 1. Process data and emission results example calculations
2. Raw field data
* 3. Laboratory reports
4. Raw production data
* 5. Calibration procedures and results
6. Project participants and titles
7. Related correspondence
8. Standard procedures

* Not applicable to visible emission evaluations.